

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
ENTERED

APR 15 2004

Michael N. Milby, Clerk of Court

In re ENRON CORPORATION SECURITIES
LITIGATION

§ MDL Docket No. 1446

§

§ Civil Action No. H-01-3624

§

(Consolidated)

§

CLASS ACTION

§

This Document Relates To:

§

MARK NEWBY, et al., Individually and On
Behalf of All Others Similarly Situated,

§

Plaintiffs,

§

vs.

§

ENRON CORP., et al.,

§

Defendants.

§

§

§

§

§

§

§

§

PAMELA M. TITTLE, et al.,

§

Plaintiffs,

§

§

§

§

§

§

§

§

vs.

ENRON CORP., et al.,

§

Defendants.

§

CONFIDENTIALITY ORDER

Pending before the Court is the Motion for Confidentiality Order filed by Richard B.
Buy, Mark A. Frevert, Steven J. Kean, Mark E. Koenig, Jeffrey McMahon, Cindy K. Olson, and

2083

Lawrence Gregory Whalley (collectively “Certain Officer Defendants”). The Motion requests a Confidentiality Order. Lead Plaintiff in *Newby* has represented to Officer Defendants that it does not oppose the Motion. The Court, having considered the Motion, hereby:

ORDERS that the Motion is granted

IT IS FURTHER ORDERED that:

1. All documents listed on Certain Officer Defendants’ Confidential Documents Log, and the information reflected therein, (a) shall be used by all parties in the *In re Enron Corporation Securities, Derivative and “ERISA” Litigation* (including all consolidated, related, and coordinated cases) (collectively, the “Consolidated Actions”), solely in and for the purposes of the Consolidated Actions and shall not be disclosed to anyone other than counsel of records in those cases, employees of counsel of record, employees of parties in the Consolidated Actions for the purposes of assisting or consulting with counsel in those actions or in preparation for or during their depositions or trial testimony, non-party witnesses during their depositions or trial testimony, experts retained by parties in the Consolidated Actions and the court-ordered mediator in these actions, each of whom shall restrict use and disclosure of such documents, written discovery, and information as provided in this paragraph, and (b) shall not be filed with any court without first obtaining consent of Certain Officer Defendants.

2. Nothing in this Confidentiality Order shall prevent any party to the Consolidated Actions (including but not limited to the Lead Plaintiff in *Newby*) from subsequently challenging Certain Officer Defendants’ designation of the documents listed on its Confidential Documents Log as confidential (including but not limited to seeking appropriate relief from the Court).

SIGNED at Houston, Texas this 14th day of April, 2004

Melinda Harmon
HONORABLE MELINDA HARMON
UNITED STATES DISTRICT JUDGE